

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

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|--------------------------------------|---|--------------------------------|
| Terron Gerhard Dizzley, |) | Case No.: 3:21-cv-01941-JD-JDA |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | OPINION & ORDER |
| Jeanette W. McBride, Robert E. Hood, |) | |
| |) | |
| Defendants. |) | |
| |) | |

This matter is before the Court with the Report and Recommendation of United States Magistrate Jacquelyn D. Austin (“Report and Recommendation” or “Report”), made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.¹ Plaintiff Terron Gerhard Dizzley (“Dizzley” or “Plaintiff”), proceeding *pro se*, brings this civil action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights and seeks to proceed in forma pauperis under 28 U.S.C. § 1915. Plaintiff is a prisoner in the custody of the South Carolina Department of Corrections (“SCDC”).

Dizzley filed a Complaint against Defendants Jeanette W. McBride (“McBride”) and Robert E. Hood (“Judge Hood”) (collectively “Defendants”) alleging violations of his First, Fifth, Eighth, and Fourteenth Amendment rights as well as certain federal statutes. (DE 1, p. 4.) Plaintiff contends that McBride, the Richland County Clerk of Court, denied him access to the courts and engaged in a conspiracy to commit false imprisonment, kidnapping, obstruction of justice, and

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

fraud on the court. Plaintiff also contends that Judge Hood, the Chief Administrative Judge, failed to investigate facts related to Plaintiff's criminal case and engaged in a conspiracy to commit false imprisonment, kidnapping, and willful blindness. (DE 1, p. 13.) Plaintiff seeks money damages totaling \$600,000. (DE 1, p. 6.)

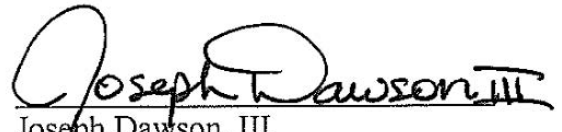
On July 2, 2021, the Magistrate Judge issued the Report recommending that Plaintiff's Motion to Proceed in forma pauperis be denied and that the Complaint be dismissed unless Plaintiff timely pays the full filing fee because Plaintiff is subject to the three-strikes rule of the Prison Litigation Reform Act of 1996, Pub. L. No. 104–134, 110 Stat. 1321–71 (1996). The Report also recommends dismissal because Dizzley's claims do not satisfy the 28 U.S.C. § 1915(g) standard of “imminent danger of serious physical injury” exception. (DE 10.)

The Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005). After a thorough review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Proceed in forma pauperis (DE 3) is denied. Plaintiff shall have twenty-one (21) days from the date of this Order to pay the filing fee of four hundred two dollars (\$402), and the Clerk of Court shall withhold entry of judgment until such time for payment expires.

IT IS FURTHER ORDERED that if Plaintiff fails to pay the filing fee within the specified time period, the Complaint shall be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g), and the Clerk of Court shall enter the required final judgment at the close of the twenty-one-day period permitted for payment of the filing fee. All other pending motions (DE 14) are moot.

AND IT IS SO ORDERED.


Joseph Dawson, III
United States District Judge

Greenville, South Carolina
August 4, 2021

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.